

EDUCATIONAL EXAMINERS BOARD[282]

Adopted and Filed

Rule making related to license sanctions and response deadlines

The Educational Examiners Board hereby amends Chapter 11, “Complaints, Investigations, Contested Case Hearings,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 272.2.

State or Federal Law Implemented

This rule making implements, in whole or in part, 2021 Iowa Acts, House File 744.

Purpose and Summary

2021 Iowa Acts, House File 744, sets forth new criteria for the denial or revocation of a license based on discrimination against a student or employee in violation of provisions related to protected speech or intellectual freedom. An update to the rules is also needed to change the time period allowable to file a written response to a motion to match the Iowa Rules of Civil Procedure. This rule making implements these changes.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on October 6, 2021, as **ARC 5934C**. A public hearing was held on October 26, 2021, at 1 p.m. in the Board of Educational Examiners Board Room, 701 East Court Avenue, Suite A, Des Moines, Iowa. No one attended the public hearing. No public comments were received. One change from the Notice has been made. Since the publication of the Notice, 2021 Iowa Acts, House File 744, has been codified. References in the rule making to House File 744 have been removed accordingly.

Adoption of Rule Making

This rule making was adopted by the Board on December 10, 2021.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 282—Chapter 6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s

meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on February 16, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 11.17(2) as follows:

11.17(2) Any party may file a written response to a motion within ~~ten~~ 15 days after the motion is served, unless the time period is extended or shortened by rules of the agency or the presiding officer.

ITEM 2. Adopt the following new paragraph **11.35(2)“c”**:

c. Speech and intellectual freedom protections. The board may deny a license to or revoke the license of a person upon the board’s finding by a preponderance of evidence that the person knowingly and intentionally discriminated against a student in violation of Iowa Code section 261H.2(3) or 279.73.

[Filed 12/13/21, effective 2/16/22]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 1/12/22.